

EXHIBIT 3

From: mark waltfairpllc.com <mark@waltfairpllc.com>
Sent: Thursday, October 21, 2021 8:16 PM
To: Chow, Michael C.; Heather Kim; Martinelli, Richard F.; Miller, Tyler; Ning, Weimin; Chern, Joseph; jjackson@jw.com
Cc: WSOU v. Canon; Green, Eric; Zembek, Richard; Schramek, Adam T.
Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Michael,

These edits are good with WSOU. We will get these on file.

Thanks,

Mark

From: Chow, Michael C. <mchow@orrick.com>
Sent: Thursday, October 21, 2021 4:40 PM
To: Heather Kim <HKim@kasowitz.com>; mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Heather,

Thank you for putting these together. Please see attached revisions from Canon. If the revisions are acceptable to WSOU, you have our permission to file.

Regards,

Michael

From: Heather Kim <HKim@kasowitz.com>
Sent: Wednesday, October 20, 2021 2:48 PM
To: Chow, Michael C. <mchow@orrick.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Michael,

Please see drafts of the following attached, and let us know if we have Canon's permission to file:

1. Joint stipulation re indirect infringement
2. Joint notice re extension of deadlines
3. Joint motion to reset Markman hearing

4. Proposed order resetting Markman hearing

Thank you,
Heather

From: Heather Kim
Sent: Tuesday, October 19, 2021 5:54 PM
To: 'Chow, Michael C.' <mchow@orrick.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Michael,

Canon's counter-proposals are agreeable to us. We will send along draft stipulations withdrawing our indirect infringement claims without prejudice and modifying the schedule per the below, and a draft joint motion to push the *Markman* hearing to December 16.

Thank you,
Heather

From: Chow, Michael C. [<mailto:mchow@orrick.com>]
Sent: Tuesday, October 19, 2021 11:50 AM
To: Heather Kim <HKim@kasowitz.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Heather,

Thank you for sending the proposed schedule. Please see Canon's counterproposal below, with counter proposed events/dates highlighted. Also, as discussed, please let us know as soon as possible whether WSOU will withdraw its indirect infringement claims.

Event	Current Deadline	WSOU's Proposed Deadline	Canon's Proposed Deadline
Canon Inc. serves venue discovery on WSOU			Oct. 21, 2021
Canon, Inc.'s responses to venue interrogatories and RPDs	Oct. 27, 2021	Oct. 27, 2021	Nov. 8, 2021
Canon USA's responses to venue interrogatories and RPDs	Nov. 3, 2021	Nov. 8, 2021	Nov. 8, 2021
WSOU responses to venue interrogatories and RPDs			Nov. 10, 2021

30(b)(6) depo of Canon, Inc.	---	Week of Nov. 1	Week of Nov. 8
30(b)(6) depo of Canon USA	---	Week of Nov. 8	Week of Nov. 8
Canon, Inc.'s response to 2AC	Oct. 26, 2021	Nov. 4, 2021	Nov. 4, 2021
Canon USA's response to 2AC	Nov. 4, 2021	Nov. 4, 2021	Nov. 4, 2021
30(b)(6) depo of WSOU			Week of Nov. 15
WSOU's opposition to Canon's transfer motion	---	Nov. 22, 2021	Nov. 22, 2021
Canon's reply in support of transfer motion	---	Dec. 1, 2021	Dec. 1, 2021
Joint Claim Construction Statement	Oct. 20, 2021	Dec. 3, 2021	Dec. 3, 2021
Technical Tutorials	Oct. 25, 2021	Dec. 6, 2021	Dec. 6, 2021
Markman hearing	Nov. 5, 2021	Dec. 16, 2021	Dec. 16, 2021
Deadline to serve final infringement contentions and final invalidity contentions	Dec. 17, 2021	Feb. 1, 2021	Feb. 1, 2021

Regards,

Michael

From: Heather Kim <HKim@kasowitz.com>

Sent: Monday, October 18, 2021 6:33 PM

To: Chow, Michael C. <mchow@orrick.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com

Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>

Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Michael,

As discussed on our call earlier today, please see proposed schedule modifications below. Thank you.

Event	Current Deadline	WSOU's Proposed Deadline	Canon's Proposed Deadline
Canon, Inc.'s responses to venue interrogatories and RPDs	Oct. 27, 2021	Oct. 27, 2021	
Canon USA's responses to venue interrogatories and RPDs	Nov. 3, 2021	Nov. 8, 2021	
30(b)(6) depo of Canon, Inc.	---	Week of Nov. 1	
30(b)(6) depo of Canon USA	---	Week of Nov. 8	

Event	Current Deadline	WSOU's Proposed Deadline	Canon's Proposed Deadline
Canon, Inc.'s response to 2AC	Oct. 26, 2021	Nov. 4, 2021	
Canon USA's response to 2AC	Nov. 4, 2021	Nov. 4, 2021	
WSOU's opposition to Canon's transfer motion	---	Nov. 22, 2021	
Canon's reply in support of transfer motion	---	Dec. 1, 2021	
Joint Claim Construction Statement	Oct. 20, 2021	Dec. 3, 2021	
Technical Tutorials	Oct. 25, 2021	Dec. 6, 2021	
<i>Markman</i> hearing	Nov. 5, 2021	Dec. 16, 2021	
Deadline to serve final infringement contentions and final invalidity contentions	Dec. 17, 2021	Feb. 1, 2021	

From: Heather Kim

Sent: Friday, October 8, 2021 1:28 PM

To: Chow, Michael C. <mchow@orrick.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com

Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>

Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Michael,

In an effort to reach a compromise, we can agree to adjust the schedule as follows:

- (1) October 8
 - a. WSOU files its Second Amended Complaints, adding Canon U.S.A., Inc. as a defendant
 - b. WSOU serves venue discovery on CUSA
- (2) October 28: CUSA's responses to venue discovery (20 days as contemplated by Judge Albright's [Standing Order](#))
- (3) Week of October 25: one 30(b)(6) deposition per side
- (4) October 29: CUSA's response to complaint
- (5) November 11: WSOU's opposition to Canon's transfer motion
- (6) November 18: Canon's reply in support of its transfer motion
- (7) November 23 (10 days before *Markman* hearing): tech tutorials
- (8) December 3: *Markman* hearing

Since Canon is only moving to transfer the -981 case, and not the -980 case (in which Canon filed a third party complaint against NXP), we do not agree with postponing substantive discovery, and will serve initial disclosures today.

Please confirm that Canon agrees with the above schedule adjustments and consents to the filing of our 2ACs today. If we do not hear back from you by **5pm Pacific**, we will proceed to file our 2ACs as permitted by the Court's Order Governing Proceedings.

Thanks,
Heather

From: Chow, Michael C. [<mailto:mchow@orrick.com>]
Sent: Friday, October 8, 2021 10:39 AM
To: Heather Kim <HKim@kasowitz.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>; Green, Eric <eric.green@nortonrosefulbright.com>; Zembek, Richard <richard.zembek@nortonrosefulbright.com>; Schramek, Adam T. <adam.schramek@nortonrosefulbright.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Adding counsel for NXP to this discussion.

From: Chow, Michael C.
Sent: Friday, October 8, 2021 10:23 AM
To: 'Heather Kim' <HKim@kasowitz.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com
Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>
Subject: RE: WSOU v. Canon - Second Amended Complaints

Heather,

Your email below suggested that WSOU's Second Amended Complaints needed to be filed today. We don't see anything requiring that, but let us know if we're missing something. If there is no specific deadline today, in light of the scheduling complications adding Canon USA will cause, we believe we should continue to meet and confer to figure out the scheduling issues. We propose the below for both the 980 and 981 cases, assuming WSOU is filing today.

We believe that this will be the most efficient way to proceed in order to address the venue/transfer issues as quickly as possible, while also maintaining sufficient time for substantive discovery issues. If WSOU is amendable to the proposals below, Canon is willing to consent to the filing of the Second Amended Complaints, without waiving any venue challenges in either the 980 and 981 cases.

- (1) Per Judge Albright's policy as indicated at the hearing on the Motions to Dismiss, WSOU should remove its indirect infringement claims from its Second Amended Complaints.
- (2) Oct. 8th - WSOU files its Second Amended Complaints, adding Canon U.S.A., Inc. as a defendant
- (3) By Oct. 15th - the parties serve venue discovery and file a joint request to formally postpone the Markman hearing
 - a. We would also request that WSOU withdraw its currently served venue discovery in the 981 to be reserved on Oct. 15 with any necessary revisions based on the inclusion of Canon U.S.A., Inc. in the case, given the agreement by the parties to respond by November 8.
- (4) Nov. 8th – The parties serve objections/Rog Responses/Documents produced pursuant to venue discovery.
- (5) Week of Nov. 15th - one 30(b)(6) deposition per side.
- (6) Week of Nov. 22nd - parties meet and confer on venue and transfer.
- (7) Dec. 3rd - Canon Inc. and Canon U.S.A., Inc. respond to the second amended complaint/move to dismiss or transfer cases.
- (8) Dec. 17th - WSOU responds to Canon Inc./ Canon U.S.A., Inc.'s motion to dismiss
- (9) Jan. 12th – Canon Inc. and Canon U.S.A., Inc. reply to WSOU's response (in light of Japanese New Year holidays)
- (10) Tech tutorial due 2 weeks before rescheduled Markman hearing.
- (11) Canon requests that the parties agree to postpone substantive discovery until after venue discovery is completed and the Court decides on these issues.

Please let us know if WSOU will agree to any or all of the proposals above.

Regards,

Michael

From: Heather Kim <HKim@kasowitz.com>

Sent: Thursday, October 7, 2021 2:46 PM

To: Chow, Michael C. <mchow@orrick.com>; Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com

Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>

Subject: RE: WSOU v. Canon - Second Amended Complaints

Hi Richard and Michael,

As we discussed yesterday and as indicated in our email earlier this week attaching draft Second Amended Complaints, WSOU intends to add Canon USA, Inc. as a defendant in the -980 and -981 cases. You indicated during yesterday's conference call that, while you were not waiving any venue challenges in the -981 case, Canon would likely not oppose the filings of the Second Amended Complaints. As we would like to move the cases - including any necessary venue discovery - along as quickly and with as little disruption to the existing schedule as possible, please let us know as soon as possible if we have Canon's consent and agreement to the draft stipulations we sent.

If so, we will file with the stipulations and, if not, we will, pursuant to the Agreed Amended Scheduling Order, file the Second Amended Complaints tomorrow. See Dkt. 33 at p. 9 ("Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims").

Thanks,
Heather

Heather Kim
Kasowitz Benson Torres LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, CA 94065
Tel. (650) 453-5419
Fax. (650) 362-9316
HKim@kasowitz.com

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From: Chow, Michael C. [<mailto:mchow@orrick.com>]

Sent: Tuesday, October 5, 2021 8:50 AM

To: Mark (waltfairpllc) <mark@waltfairpllc.com>; Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com

Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>

Subject: RE: WSOU v. Canon - Second Amended Complaints

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Mark,

We think a call to discuss would make sense. We are available at 4 pm ET tomorrow. If that time works, please circulate a dial-in.

Regards,

Michael

From: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>

Sent: Monday, October 4, 2021 1:43 PM

To: Martinelli, Richard F. <rmartinelli@orrick.com>; Miller, Tyler <tmiller@orrick.com>; Ning, Weimin <wning@orrick.com>; Chern, Joseph <jchern@orrick.com>; jjackson@jw.com; Chow, Michael C. <mchow@orrick.com>

Cc: WSOU v. Canon <WSOUvCanon@kasowitz.com>

Subject: WSOU v. Canon - Second Amended Complaints

Dear Rich:

WSOU plans to file Second Amended Complaints in its cases pending against Canon in the WDTX, to add Canon USA, Inc. as a defendant. Would Canon consent to those amendments and agree to withdraw its pending motion to transfer in the '981 case? WSOU intends to take venue-related discovery which in any event would push the time for WSOU to respond to that motion until two weeks after venue discovery is completed. If Canon agrees, we will forward to you redlined drafts of the proposed amendments with stipulations. If a call would be helpful, please let us know.

Sincerely,

Mark

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